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UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.

17 CARLOS VICTOR MESTANZA CERCADO,
JAZAEL PADILLA RESTO,
18 aka "Ricardo Noel Moya,"
aka "Ricardo Barbosa,"
19 aka "Alberto Javier Loza
Chamorro,"
20 JORGE ENRIQUE ALBAN,
21 Defendants.

No. 5:25-CR-00198-KK-1, 2, 5

[PROPOSED] PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
PERSONAL IDENTIFYING INFORMATION,
PRIVACY ACT INFORMATION, AND
COOPERATING WITNESS INFORMATION

[NOTE CHANGES BY COURT]

22
23 The Court has read and considered the parties' Stipulation for
24 a Protective Order Regarding Discovery Containing Personal
25 Identifying Information, Privacy Act Information, and Cooperating
26 Witness Information, filed by the government and defendants CARLOS
27 VICTOR MESTANZA CERCADO, JAZAEL PADILLA RESTO, also known as
28 "Ricardo Noel Moya," "Ricardo Barbosa," and "Alberto Javier Loza

1 Chamorro," and JORGE ENRIQUE ALBAN ("defendants") in this matter on
2 September 11, 2025, which this Court incorporates by reference into
3 this order, and FOR GOOD CAUSE SHOWN the Court hereby FINDS AND
4 ORDERS as follows:

5 1. The government's discovery in this case relates to
6 defendants' alleged crimes, that is, violations of 18 U.S.C. § 371:
7 Conspiracy; 18 U.S.C. § 1951(a): Conspiracy to Interfere with
8 Commerce by Robbery and Interference with Commerce by Robbery; and
9 18 U.S.C. § 659: Theft from Interstate or Foreign Shipment.

10 2. A protective order for the discovery is necessary so that
11 the government can produce to the defense materials regarding
12 cooperating witnesses who may testify at trial. Because these
13 materials could be used to identify the cooperating witnesses, the
14 Court finds that the unauthorized dissemination or distribution of
15 the materials may expose him/her to potential safety risks.

16 3. A protective order for the discovery is also necessary so
17 that the government can produce to the defense materials containing
18 third parties' PII. The Court finds that disclosure of this
19 information without limitation risks the privacy and security of the
20 information's legitimate owners. Because the government has an
21 ongoing obligation to protect third parties' PII, the government
22 cannot produce to defendants an unredacted set of discovery
23 containing this information without this Court entering the
24 Protective Order. Moreover, PII makes up a significant part of the
25 discovery in this case and such information itself, in many
26 instances, has evidentiary value. If the government were to attempt
27 to redact all this information in strict compliance with Federal
28 Rule of Criminal Procedure 49.1, the Central District of

1 California's Local Rules regarding redaction, and the Privacy Policy
2 of the United States Judicial Conference, the defense would receive
3 a set of discovery that would be highly confusing and difficult to
4 understand, and it would be challenging for defense counsel to
5 adequately evaluate the case, provide advice to defendants, or
6 prepare for trial.

7 4. An order is also necessary because the government intends
8 to produce to the defense materials that may contain information
9 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
10 Information"). The Court finds that, to the extent that these
11 materials contain Privacy Act information, disclosure is authorized
12 pursuant to 5 U.S.C. § 552a(b)(11).

13 5. The purpose of this Protective Order is therefore to
14 (a) allow the government to comply with its discovery obligations
15 while protecting this sensitive information from unauthorized
16 dissemination, and (b) provide the defense with sufficient
17 information to adequately represent defendants.

18 6. Accordingly, the discovery that the government will
19 provide to defense counsel in the above-captioned case will be
20 subject to this Protective Order, as follows:

21 a. As used herein, "CW Materials" includes any
22 information relating to a cooperating witness's prior history of
23 cooperation with law enforcement, prior criminal history,
24 statements, or any other information that could be used to identify
25 a cooperating witness, such as a name, image, address, date of
26 birth, or unique personal identification number, such as a Social
27 Security number, driver's license number, account number, or
28 telephone number.

1 b. As used herein, "PII Materials" includes any
2 information that can be used to identify a person, including a name,
3 address, date of birth, Social Security number, driver's license
4 number, telephone number, account number, email address, or personal
5 identification number.

6 c. "Confidential Information" refers to any document or
7 information containing CW Materials or PII Materials that the
8 government produces to the defense pursuant to this Protective Order
9 and any copies thereof.

10 d. "Defense Team" includes (1) each defendant's counsel
11 of record ("defense counsel"); (2) other attorneys at defense
12 counsel's law firm who may be consulted regarding case strategy in
13 this case; (3) defense investigators who are assisting defense
14 counsel with this case; (4) retained experts or potential experts;
15 and (5) paralegals, legal assistants, and other support staff to
16 defense counsel who are providing assistance on this case. The
17 Defense Team does not include defendants, defendants' family
18 members, or any other associates of defendants.

19 e. The government is authorized to provide defense
20 counsel with Confidential Information marked with the following
21 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
22 ORDER." The government may put that legend on the digital medium
23 (such as DVD or hard drive) or simply label a digital folder on the
24 digital medium to cover the content of that digital folder. The
25 government may also redact any PII contained in the production of
26 Confidential Information.

27 f. If any defendant objects to a designation that
28 material contains Confidential Information, the parties shall meet

1 and confer. If the parties cannot reach an agreement regarding
2 defendant's objection, defendant may apply to this Court to have the
3 designation removed.

4 g. Each defendant and the Defense Team shall use the
5 Confidential Information solely to prepare for any pretrial motions,
6 plea negotiations, trial, and sentencing hearing in this case, as
7 well as any appellate and post-conviction proceedings.

8 h. The Defense Team shall not permit anyone other than
9 the Defense Team to have possession of Confidential Information,
10 including defendants, while outside the presence of the Defense
11 Team.

12 i. Each defendant may review PII Materials or CW
13 Materials only in the presence of a member of the Defense Team, who
14 shall ensure that defendant is never left alone with any PII
15 Materials or CW Materials. At the conclusion of any meeting with
16 defendant at which defendant is permitted to view PII Materials or
17 CW Materials, defendant must return any PII Materials or CW
18 Materials to the Defense Team, and the member of the Defense Team
19 present shall take all such materials with him or her. Defendant
20 may not take any PII Materials or CW Materials out of the room in
21 which defendant is meeting with the Defense Team. At no time, under
22 no circumstance, will any Confidential Information be left in the
23 possession, custody, or control of defendant, regardless of
24 defendant's custody status.

25 j. Each defendant may see and review Confidential
26 Information as permitted by this Protective Order, but defendant may
27 not copy, keep, maintain, or otherwise possess any Confidential
28 Information in this case at any time. Defendant also may not write

1 down or memorialize any data or information contained in the
2 Confidential Information.

3 k. The Defense Team may review Confidential Information
4 with a witness or potential witness in this case, including
5 defendants. A member of the Defense Team must be present if PII
6 Materials or CW Materials are being shown to a witness or potential
7 witness. Before being shown any portion of Confidential
8 Information, however, any witness or potential witness must be
9 informed of the requirements of the Protective Order. No member of
10 the Defense Team shall permit a witness or potential witness to
11 retain Confidential Information or any notes generated from
12 Confidential Information.

13 l. The Defense Team shall maintain Confidential
14 Information safely and securely, and shall exercise reasonable care
15 in ensuring the confidentiality of those materials by (1) not
16 permitting anyone other than members of the Defense Team,
17 defendants, witnesses, and potential witnesses, as restricted above,
18 to see Confidential Information; (2) not divulging to anyone other
19 than members of the Defense Team, defendants, witnesses, and
20 potential witnesses, the contents of Confidential Information; and
21 (3) not permitting Confidential Information to be outside the
22 Defense Team's offices, homes, vehicles, or personal presence. CW
23 Materials shall not be left unattended in any vehicle.

24 m. To the extent that any defendant, the Defense Team,
25 witnesses, or potential witnesses create notes that contain, in
26 whole or in part, Confidential Information, or to the extent that
27 copies are made for authorized use by members of the Defense Team,
28 such notes, copies, or reproductions become Confidential Information

1 subject to the Protective Order and must be handled in accordance
2 with the terms of the Protective Order.

3 n. The Defense Team shall use Confidential Information
4 only for the litigation of this matter and for no other purpose.
5 Litigation of this matter includes any appeal filed by any defendant
6 and any motion filed by any defendant pursuant to 28 U.S.C. § 2255.
7 In the event that a party needs to file Confidential Information
8 with the Court or divulge the contents of Confidential Information
9 in court filings, the filing should be made under seal. If the
10 Court rejects the request to file such information under seal, the
11 party seeking to file such information publicly shall provide
12 advance written notice to the other party to afford such party an
13 opportunity to object or otherwise respond to such intention. If
14 the other party does not object to the proposed filing, the party
15 seeking to file such information shall redact any CW Materials or
16 PII Materials and make all reasonable attempts to limit the
17 divulging of CW Materials or PII Materials.

18 o. Any Confidential Information inadvertently produced
19 in the course of discovery prior to entry of the Protective Order
20 shall be subject to the terms of this Protective Order. If
21 Confidential Information was inadvertently produced prior to entry
22 of the Protective Order without being marked "CONFIDENTIAL
23 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
24 shall reproduce the material with the correct designation and notify
25 defense counsel of the error. The Defense Team shall take immediate
26 steps to destroy the unmarked material, including any copies.

27 p. If any Confidential Information contains both CW
28 Materials and another category of Confidential Information, the

1 information shall be handled in accordance with the CW Materials
2 provisions of this Protective Order.

3 q. Confidential Information shall not be used by any
4 member of the defense team, in any way, in any other matter, absent
5 an order by this Court. All materials designated subject to the
6 Protective Order maintained in the Defense Team's files shall remain
7 subject to the Protective Order unless and until such order is
8 modified by this Court. Within 30 days of the conclusion of
9 appellate and post-conviction proceedings, defense counsel shall
10 return all PII Materials or CW Materials, certify that such
11 materials have been destroyed, or certify that such materials are
12 being kept pursuant to the California Business and Professions Code
13 and the California Rules of Professional Conduct.

14 r. In the event that there is a substitution of counsel
15 prior to when such documents must be returned, new defense counsel
16 must be informed of the requirements of the Protective Order before
17 defense counsel transfers any Confidential Information to the new
18 defense counsel. New defense counsel's written agreement to be
19 bound by the terms of the Protective Order must be returned to the
20 Assistant U.S. Attorney assigned to the case. New defense counsel
21 then will become the Defense Team's custodian of materials
22 designated subject to the Protective Order and shall then become
23 responsible, within 30 days of the conclusion of appellate and post-
24 conviction proceedings, for returning all PII Materials or CW
25 Materials, certifying that such materials have been destroyed, or
26 certifying that such materials are being kept pursuant to the
27 California Business and Professions Code and the California Rules of
28 Professional Conduct.

1 s. Defense counsel shall advise each defendant and all
2 members of the Defense Team of their obligations under the
3 Protective Order and ensure their agreement to follow the Protective
4 Order, prior to providing defendant and members of the Defense Team
5 with access to any materials subject to the Protective Order.

6 IT IS SO ORDERED.

7 September 11, 2025

8 DATE


9 HONORABLE KENLY KIYA KATO
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 /s/

13 KEVIN J. BUTLER

14 JENA A. MACCABE

15 Assistant United States Attorneys
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